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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS

425 Eye Street N.W.

U.L.B., 3rd Floor

Washington, D.C. 20536

File: EAC 02 091 51325

Office: VERMONT SERVICE CENTER

Date: JAN 06 2003

IN RE: Petitioner:  
Beneficiary:

Petition: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to § 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(3)

PUBLIC COPY

IN BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

DISCUSSION: The visa petition was denied by the Director, Vermont Service Center on June 19, 2002. The matter is now before the Associate Commissioner for Examinations on appeal. On March 26, 2002, before any decision, the petitioner, through counsel, requested that the appeal be withdrawn. The withdrawal may not be retracted, as counsel attempted on April 29, 2002. 8 CFR 103.2(b)(6). The director was in error to disregard the withdrawal. Matter of Cintron, 16 I & N Dec. 9 (BIA 1976).

ORDER: The appeal is dismissed based on the withdrawal of the petition.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Director  
Administrative Appeals Office